

ORDINANCE NO. 7,526–N.S.

AMENDING SECTION 23C.23.050 OF THE BERKELEY MUNICIPAL CODE TO INCREASE FLEXIBILITY FOR COMPLIANCE WITH THE PERCENT FOR ART REQUIREMENTS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 23C.23.050 is amended to read as follows:

23C.23.050 General Requirements

- A. Developers subject to this Chapter shall either:
 1. Include On-Site Publicly Accessible Art valued at 1% of the Construction Cost. In the event the value of On-Site Publicly Accessible Art as installed is less than 1% of the Construction Cost, an amount equal to 80% of the difference in value shall be paid to the City as an in-lieu fee.
 2. Pay an in-lieu fee of 0.80% of the Construction Cost to the City as set forth in Section 23C.23.070.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on December 13, 2016, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

Absent: None.

